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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, NOVEMBER 26, 2002

APPLICATION OF

ESSEX ACQUISITION CORPORATION

CASE NO. PUC-2002-00204

For certificates of public  
convenience and necessity to  
provide local exchange and  
interexchange telecommunications  
services and for interim operating  
authority

ORDER FOR NOTICE AND COMMENT AND  
GRANTING INTERIM OPERATING AUTHORITY

On November 19, 2002, Essex Acquisition Corporation ("Essex" or "Applicant")<sup>1</sup> completed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity ("certificates") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. The Applicant requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia. Essex also requested interim operating authority to provide uninterrupted local exchange telecommunications services to customers of Essex

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<sup>1</sup> The application initially was filed in the name of Essex Acquisition Co. The Applicant clarified in a letter filed with the State Corporation Commission that its name, as evidenced in its Articles of Incorporation, is Essex Acquisition Corporation.

Telecommunications of Virginia, Inc. d/b/a eLEC Communications ("eLEC") pursuant to eLEC's local exchange telecommunications services tariffs on file with the Commission's Division of Communications.<sup>2</sup>

NOW UPON CONSIDERATION of the application, the Commission is of the opinion and finds that Essex's application should be docketed; that the Applicant should give notice to the public of its application; that interested parties should have an opportunity to comment and request a hearing on Essex's application; that the Commission Staff should conduct an investigation into the reasonableness of the application and present its findings in a Staff Report; and that Essex should be granted interim operating authority to provide local exchange telecommunications services.

Accordingly, IT IS ORDERED THAT:

(1) This case is docketed and assigned Case No. PUC-2002-00204.

(2) Essex is hereby granted interim operating authority to operate and provide local exchange telecommunications services to existing eLEC customers pursuant to eLEC's local exchange

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<sup>2</sup> Essex states that, on September 2, 2002, the Applicant entered into a purchase agreement with eLEC under which eLEC will transfer its assets and customers to Essex. Approval of the transfer by the Commission and final closing is pending in Case No. PUC-2002-00206. eLEC holds Certificate No. T-428 to provide local exchange telecommunications services. Essex requests interim operating authority to ensure that there are no interruptions in service.

telecommunications services tariffs on file with the Commission's Division of Communications until such time as the Commission renders a final order in this proceeding.

(3) On or before December 23, 2002, the Applicant shall complete publication of the following notice to be published on one (1) occasion as classified advertising in newspapers having general circulation throughout the Applicant's proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION BY  
ESSEX ACQUISITION CORPORATION FOR  
CERTIFICATES OF PUBLIC CONVENIENCE AND  
NECESSITY TO PROVIDE LOCAL EXCHANGE AND  
INTEREXCHANGE TELECOMMUNICATIONS SERVICES  
THROUGHOUT THE COMMONWEALTH OF VIRGINIA  
CASE NO. PUC-2002-00204

On November 19, 2002, Essex Acquisition Corporation ("Essex" or "Applicant") filed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity ("certificates") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. The Applicant requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia. Essex also requested interim operating authority to provide uninterrupted local exchange telecommunications services to customers of Essex Telecommunications of Virginia, Inc. d/b/a eLEC Communications ("eLEC") pursuant to eLEC's existing tariffs.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, in the Commission's Document Control

Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, or can be ordered from Essex's counsel, Ronald W. Del Sesto, Jr., Swidler Berlin Shereff Friedman, LLP, 3000 K Street, NW, Suite 300, Washington, DC 20007-5116.

Any person desiring to comment on Essex's application for certificates to provide local exchange and interexchange telecommunications services may do so by directing such comments in writing on or before January 16, 2003, to the Clerk of the Commission at the address set forth below and shall serve a copy of the same on or before January 16, 2003, upon Essex's counsel at the address set forth above.

Any person may request a hearing on Essex's application by filing an original and fifteen (15) copies of its request for hearing on or before January 16, 2003, with the Clerk of the Commission at the address set forth below. Requests for hearing must state with specificity why a hearing should be conducted. Persons filing a request for hearing shall serve a copy of their request on or before January 16, 2003, upon Essex's counsel at the address set forth above.

All written communications to the Commission concerning Essex's application should be directed to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and must refer to Case No. PUC-2002-00204.

#### ESSEX ACQUISITION CORPORATION

(4) On or before December 23, 2002, Applicant shall provide a copy of the notice contained in Ordering Paragraph Three (3) to each local exchange telephone carrier certificated

in Virginia and each interexchange carrier certificated in Virginia by personal delivery or first-class mail, postage prepaid, to the customary place of business. Lists of all current local exchange and interexchange carriers in Virginia are attached to this Order as Appendices A and B, respectively.

(5) Any person desiring to comment in writing on Essex's application for a certificate to provide local exchange and interexchange telecommunications services may do so by directing such comments on or before January 16, 2003, to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. On or before January 16, 2003, a copy of such comments shall be served on Essex's counsel, Ronald W. Del Sesto, Jr., Swidler Berlin Shereff Friedman, LLP, 3000 K Street, NW, Suite 300, Washington, DC 20007-5116. Comments must refer to Case No. PUC-2002-00204.

(6) On or before January 16, 2003, any person wishing to request a hearing on Essex's application for certificates to provide local exchange and interexchange telecommunications services shall file an original and fifteen (15) copies of its request for hearing in writing with the Clerk of the Commission at the address set forth above. Written requests for hearing shall refer to Case No. PUC-2002-00204 and shall state the following: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to

the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. Copies shall also be served on the Applicant at the address set forth above.

(7) On or before January 21, 2003, the Applicant shall file with the Commission proof of notice and proof of service as ordered herein.

(8) The Commission Staff shall analyze the reasonableness of Essex's application and present its findings in a Staff Report to be filed on or before January 28, 2003.

(9) On or before February 7, 2003, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any responses to the Staff Report or parties' objections and requests for hearing. A copy of the response shall be delivered to Staff and the other parties by overnight delivery.

(10) The Applicant shall respond to written interrogatories or data requests within seven (7) days after the receipt of the same. Parties shall provide to the Applicant, other additional parties, and Staff any workpapers or documents used in preparation of their requests for hearing promptly upon request. Except as so modified, discovery shall be in accordance with Part IV of the Commission's Rules of Practice and Procedure.

(11) The Applicant shall respond promptly to requests from interested parties for copies of the Application and shall provide one copy of same free of charge to the requesting party.

(12) This matter is continued for further orders of the Commission.